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**Subject:** WLO News for November 9, 2009



# WLO News for November 9, 2009

BNA, Inc.

Daily Environment

REPORT

HIGHLIGHTS

*Chesapeake Bay:*  
**N.Y. State Official Slams New Bay Plan; Maryland, Virginia Applaud EPA Initiative**

The Environmental Protection Agency's new expectations that all six states sharing the Chesapeake Bay watershed will step up actions to restore it do not please New York state's top water quality official.

*Climate Change:*  
**Voinovich Says Senate Panel's Markup Violated Committee Rules, Ignored Impacts**

Democrats' decision to bypass a Republican boycott and push climate change legislation through the Senate Environment and Public Works Committee Nov. 5 violated longstanding committee tradition and rules and rushed a bill through the panel without a comprehensive economic analysis, Sen. George Voinovich (Ohio), a Republican on the committee, wrote in a letter dated the same day.

*EPA:*  
**Senate Confirms EPA Chief Financial Officer**

The Senate on Nov. 5 confirmed the nomination of Barbara J. Bennett as the Environmental Protection Agency's chief financial officer. Bennett was senior executive vice president and chief financial officer of Discovery Communications Inc., the parent company of the Discovery Channel, from 1990 to 2007. Since 2007 she has worked as an independent consultant for companies and nonprofit organizations in media, hospitality, tourism, and professional sports. Bennett serves on the board of ...

*Enforcement:*  
**Ethanol Production Violator to Pay \$480,000**

CHICAGO The owner/operator of an ethanol production facility in Utica, Wis., agreed Nov. 6 to pay \$280,000 in penalties, plus at least \$200,000 to connect to the City of Oshkosh wastewater treatment system, to settle claims that the company violated its 2008 pollutant discharge elimination system permit (Wisconsin v. Utica Energy LLC, Wis. Cir. Ct., No. 2009-CX-30109, 11/06/09). A Department of Natural Resources complaint filed in Wisconsin Circuit Court alleged that Utica Energy, ...

*Enforcement:*  
**Pennsylvania, Cabot Oil & Gas Reach Pact To Address Gas Migration Into Groundwater**

PHILADELPHIA Pennsylvania state environmental regulators will have greater oversight over new construction of natural gas wells by Cabot Oil & Gas Corp. in a nine-square-mile area of Dimock Township, Susquehanna County, under terms of a Nov. 4 consent order and agreement.

*Enforcement:*  
**Senate Confirms Ignacia Moreno to Become Assistant Attorney General for Environment**

The Senate confirmed Ignacia S. Moreno to be the assistant attorney general for the Justice Department's Environment and Natural Resources Division Nov. 5.

*Mining:*  
**Pennsylvania Official Pizarchik Confirmed To Head Interior's Office of Surface Mining**

The Senate confirmed Joseph Pizarchik as director of the Interior Department's Office of Surface Mining Reclamation and Enforcement by unanimous consent Nov. 6.

*Security:*  
**House Passes Bill to Strengthen Security Of Chemical Facilities, Water Treatment Plants**

The House of Representatives passed legislation Nov. 6 that would expand the Department of Homeland Security's authority to regulate chemical facilities and add security coverage for drinking water and wastewater treatment plants under the Environmental Protection Agency's authority.

*Water Resources:*  
**California Governor Signs Two Water Bills**

LOS ANGELES California Gov. Arnold Schwarzenegger (R) Nov. 6 signed S.B. 7X 6, the state's first-ever law requiring the monitoring and measurement of groundwater levels, and S.B. 7X 8, which appropriates \$564 million from past bond measures for a variety water projects. The bills are part of the landmark \$11.1 billion legislative package lawmakers approved Nov. 4 designed to overhaul management of the state's water resources and infrastructure and restore the Sacramento-San ...



Inside EPA's **Water Policy Report**, 11/9/09  
[http://www.insideepa.com/secure/epa\\_nletters.asp?NLN=WATER&ACTION=current](http://www.insideepa.com/secure/epa_nletters.asp?NLN=WATER&ACTION=current)

**Despite Uphill Battle, Oberstar Vows Action On Bill Clarifying CWA Scope In 2009**

Despite major political and logistical hurdles, a key aide to House transportation committee Chairman James Oberstar (D-MN) says the chairman is is vowing to act on controversial legislation to clarify the scope of EPA's Clean Water Act (CWA) authority by the end of 2009.

**Jackson Downplays Maryland Fears Of Stricter Water Rules For CAFOs**

EPA Administrator Lisa Jackson is downplaying Maryland s concerns that the agency s plan for cleaning up the Chesapeake Bay and various Clean Water Act rules are placing concentrated animal feeding operations (CAFOs) in the state under a stricter standard than other states, with Jackson countering that EPA s rules are national in scope.

**The Inside Story**

**(More) Delays For EPA Deputy**

Sen. George Voinovich (R-OH) is calling on Senate Majority Leader Harry Reid (D-NV) to require the additional EPA analysis of climate change legislation he has long sought, signaling Voinovich will likely continue to block action on Robert Perciasepe's nomination to be EPA deputy administrator until he receives the analysis.

**Senate Confirms DOI Mining Nominee**

The Senate has confirmed the nomination of Joseph Pizarchik to head the Interior Department's (DOI) surface mining office, despite efforts by environmental and citizen groups to block the selection over concerns that his record as a Pennsylvania mining official indicates he would side with industry on environmentally damaging coal waste disposal and valley filling issues.

**EPA Launches Water-Climate Group**

EPA has announced the first meeting of its Climate Ready Water Utilities (CRWU) Working Group, which has been charged with developing recommendations to the agency on how water utilities can best adapt to and mitigate the effects of climate change.

**A River Of Coal**

Environmental groups are seeking to expand the precedent EPA set when the agency recently blocked an already approved mountaintop mining permit in Appalachia, urging EPA and White House officials to block the dredge-and-fill permit that they say will destroy the last mountain in the Coal River Valley in West Virginia.



<http://www.greenwire.com>

**WATER: Senate panel to consider Chesapeake Bay, Gulf of Mexico bills (11/09/2009)**

Taryn Luntz, E&E reporter

The Senate Water and Wildlife Subcommittee today will take up bills aimed at restoring the Chesapeake Bay and the Gulf of Mexico, two water bodies that are struggling to cope with the effects of pollution.

**S. 1861**, from subcommittee Chairman Ben Cardin (D-Md.), is designed to spur Chesapeake Bay watershed states to meet new cleanup goals and milestones after years of voluntary efforts have failed to revive the ailing estuary.

The measure would grant U.S. EPA sweeping authority over state cleanup plans and allow the agency to withhold federal clean water funding from states that fail to meet reporting milestones.

It also directs EPA by 2014 to set up a regional cap-and-trade program for nitrogen and phosphorus in the bay watershed, which includes all or part of six states.

Cardin's proposal would require the agency to set a daily limit on nutrients and sediment in the watershed by the end of next year. EPA is under court order to set a daily nutrient limit by May 2011, but it has already pledged to do so next year.

The bill would authorize \$1.5 billion over five years for grants aimed at controlling stormwater in urban and suburban areas, the only growing source of pollution in the watershed. The measure would also require residential developers to limit runoff from their properties.

The Senate panel will hear from Chuck Fox, EPA's new senior Chesapeake Bay adviser, who is likely to discuss the agency's recently announced plan to craft and enforce tougher restrictions on agriculture and development in bay watershed states.

EPA's plan, crafted under a directive from President Obama, will subject states that fail to meet cleanup targets to a menu of consequences, potentially denying permits or withholding federal money in an effort to muscle them into compliance (*E&ENews PM*, Sept. 10).

Cardin's bill closely aligns with EPA's plan, giving the agency new authority to impose such restrictions.

**Gulf of Mexico**

The subcommittee also will examine **S. 1311**, from Sen. Roger Wicker (R-Miss.), which would raise the visibility of EPA's Gulf of Mexico Program.

The nonregulatory program was initiated by EPA in 1988 to foster collaboration among federal, state and local agencies to protect and restore the gulf, which contains half of the coastal wetlands of the United States.

The gulf is threatened by the world's second largest hypoxic "dead zone," an oxygen-depleted marine area fueled by nutrient pollution flowing out of the Mississippi River from farms and cities.

The bill would codify the gulf program and would authorize \$100 million for it over the next five years. The move would prop up the program, which has been overshadowed in recent years by large-scale efforts to restore the Chesapeake Bay and the Great Lakes.

**Schedule:** The hearing is today at 3 p.m. in 406 Dirksen.

**Witnesses:** Bryon Griffith, director of U.S. EPA's Gulf of Mexico Program; Chuck Fox, EPA special assistant to the administrator for the Chesapeake Bay Program; Donald Boesch, president of the University of Maryland Center for Environmental Science; Ann Swanson, executive director of the Chesapeake Bay Commission; Peter Hughes, President of Red Barn Trading Co.; and Susan Parker Bodine, partner in Barnes and Thornburg.

**CLIMATE: DOE sequestration test reaches milestone (11/06/2009)**

Katie Howell, E&E reporter

An Energy Department-sponsored carbon dioxide sequestration project in Mississippi has become the first in the nation to inject more than 1 million tons of the greenhouse gas into an underground rock formation.

The project passed the mark in August at the oil-producing Cranfield site near Natchez, DOE announced yesterday. Only four other projects -- in Norway, Canada and Algeria -- have reached that milestone.

The Southeast Regional Carbon Sequestration Partnership -- one of seven regional groupings of DOE laboratories, universities and industry -- is combining the CO2 injection project with enhanced oil recovery efforts by Texas-based Denbury Resources Inc.

The Cranfield injection tests could continue through March, said John Litynski, director of the sequestration division at DOE's National Energy Technology Laboratory. The project will ultimately inject 1.5 million tons of CO2 that is piped to the site from Jackson Dome, a natural source of CO2 in Mississippi.

The partnership team is injecting the gas more than 10,000 feet below the surface into a saline aquifer. The process helps boost crude production from the same rock body; afterward, CO2 remains in the rock. The Texas Bureau of Economic Geology is collecting data and monitoring the stability of the gas within the rock formation.

"What's interesting in this [project] is that it uses existing infrastructure to help see what happens on the pressure front. That's fairly important in helping to

manage the injection project," Litynski said. "It helps to determine what impact the pressure field has on the entire reservoir."

The research uses instruments nearly 2 miles underground to monitor injected CO2.

Denbury Resources has drilled two other wells for the partnership that are being used to monitor the movement of CO2 in the rock formation, said Tracy Evans, president and chief operating officer of the company.

The partnership plans to apply data from Cranfield to a planned carbon capture and sequestration demonstration at a coal-fired power plant in Alabama. That project is expected to start capturing and storing CO2 in 2011.

**COAL: Agency finds deficiencies at W.Va.'s ash dams (11/06/2009)**

A report released yesterday by West Virginia's Department of Environmental Protection found that almost two-thirds of the coal-ash dams throughout the state were in need of repairs.

The 10-month "comprehensive review" uncovered stability problems, seepage and erosion at some of the dams. The 44-page report also listed problems that prompted at least five enforcement actions at landfills where dry waste products from coal-fired power plants were dumped.

Agency officials downplayed the findings.

"We were able to identify stability issues along some embankment slopes, but largely the problems we noted involved control of animals and vegetation," said Brian Long, coordinator of DEP's dam safety program. "The agency is requiring the owners to address any issues found at their sites and bring them into satisfactory condition."

The report concluded that eight of the 20 coal-ash dams examined had no "existing or potential" safety deficiencies (Ken Ward Jr., *Charleston [W.Va.] Gazette*, Nov. 5). -- **JK**

**POLLUTION: Nitrogen pollution turning algae to 'junk food' (11/06/2009)**

The effect of atmospheric nitrogen pollution on high-elevation lakes is worse than previously thought, turning the algae of lakes in Rocky Mountain National Park into the equivalent of junk food, according to a study published today in the journal *Science*.

The nitrogen pollution -- which stems from vehicle exhaust, farm fertilizer and livestock feed lots, among other sources -- makes algae rich in nitrogen but low in phosphorous and less nutritious for microscopic organisms and, eventually, fish, according to James Elser, the report's author and a professor at Arizona State University.

"It's like eating marshmallows all day and expecting to grow," he said. "You can't do it."

Atmospheric nitrogen levels at the Rocky Mountain National Park are 20 times higher than normal, researchers say. In 2007, state and federal officials agreed to a 25-year plan to cut nitrogen levels in half, said Mike Silverstein, manager of planning and policy for Colorado's air pollution control division.

The study looked at a total of 90 high-elevation lakes. Similar effects were seen in Norway and Sweden, it said (*AP/San Francisco Chronicle*, Nov. 5). -- **PV**

**ClimateWire - TODAY'S STORIES**  
**Mon., November 9, 2009 -- Read the full edition**

**1. EFFICIENCY: Big growing pains and potential for a \$5 billion weatherization program**

Next month, a new class of a dozen or more men and women will begin training in Long Island City, N.Y., to become home weatherization technicians. They are early recruits in a small army of workers being deployed in places around the country where there were only skeleton crews before. A vastly accelerated version of the federal weatherization program -- begun in 1976 to cut heating oil bills for low-income homes -- is just getting under way, part of the American Recovery and Reinvestment Act stimulus legislation.

**2. RENEWABLE ENERGY: Can offshore winds spin a market for American-made turbines?**

Middle Eastern oil is one energy dependency. Another, looming in the future, could be a growing array of wind turbines, situated along the Eastern Seaboard, manufactured by European companies and feeding electricity to nearby American cities. That's what government and industry experts are trying to avoid. The effort here to roll out an offshore wind industry is accelerating, but major gaps are still stopping turbine builders from opening U.S. facilities that could supply East Coast states with homemade blades, towers and nacelles.

- 3. POLITICS: Energy saving advocates sail into contested waters**
- 4. EMISSIONS: Fiddling with palm oil standards while forests burn**
- 5. MIGRATION: U.N. official calls for talks about climate change refugees**
- 6. GEOENGINEERING: Cut global warming by turning deserts into forests -- study**
- 7. AGRICULTURE: Global deal should finance low-carbon farming -- U.N.**
- 8. SOLAR POWER: Germany to develop solar thermal projects in Morocco**

**E&ETV's OnPoint**

**9. POLICY: Business Roundtable's Castellani discusses new recommendations for Congress**